

## AGENDA FOR THE DULUTH CITY COUNCIL MEETING

REPLACEMENT

Monday, September 12, 2005, 7:00 p.m.

### ROLL CALL

### PLEDGE OF ALLEGIANCE

### APPROVAL OF MINUTES - June 20, 27, July 7, 11 and 25, 2005.

**PUBLIC HEARING:** 7:30 p.m. - UMD resident permit parking zone amendment.

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*The Duluth City Council promotes the use and adherence of the tools of civility in conducting the business of the council. The tools of civility will provide increased opportunities for civil discourse in order to find positive resolutions to the issues that face the city. These tools include: pay attention, listen, be inclusive, do not gossip, show respect, be agreeable, apologize, give constructive criticism and take responsibility. [Approved by the council on August 25, 2003]*

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### PRESENTATION OF PETITIONS AND OTHER COMMUNICATIONS

- \* 05-0912-01 Gary Milk House/Jim Shelton concurrent use permit application to install three conduits under Dickson Street. -- Planning commission
- \* 05-0912-02 Frank Stokes, et al. (13 signatures), submitting remonstrance petition to construct 1,360 lineal feet of low pressure sanitary sewer within West Morgan Street beginning at the intersection of Joshua Avenue and extending westerly. -- Assessor
- \* 05-0912-03 Linda Trottier, et al. (four signatures), submitting petition to construct a watermain in Lawn Street from Portal Avenue to approximately 383 feet east of center line of Portal Avenue. -- Assessor
- \* 05-0912-04 Aquila, Inc., submitting acceptance of terms, conditions and provisions of Ordinance 9733, approved on July 11, 2005, granting Aquila, Inc., its successors and assigns, the right to transport, distribute and sell gas in a portion of Duluth and to use the streets, avenues and alleys for that purpose. -- Received
- \* 05-0912-05 Mary Margaret David submitting appeal of the planning commission's approval of a water resources ordinance variance request to allow the minimum impervious coverage to be increased to 63.2 percent for a new development on property located at 422 South 19th Avenue East (Joe Kleiman). -- Committee 2 (Planning and economic development)
- \* 05-0912-06 Gordon R. and Joyce A. Fon submitting communication regarding designation of a portion of Mississippi Avenue as a residential permit parking zone (05-0617R). -- Received

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### REPORTS OF OFFICERS

- \* 05-0912-07 Assessor submitting letters of sufficiency to:
  - (a) Construct a watermain at 1504 Osage Avenue;
  - (b) Reclassify from R to C-5 Lots 14, 15 and 16, Block 31, Duluth Heights, Sixth Division.-- Received
- \* 05-0912-08 Building official submitting appeal of Travis and Melissa Bumgardner to reverse the decision of the board of zoning appeals to deny a variance to reduce the minimum corner side yard setback requirement from 20 feet to 12 feet four inches and to allow an accessory structure to exceed the maximum area allowed in a required rear yard from 30 percent to 39 percent for the construction of a 14 foot by 35 foot detached garage on property located at 4101 East Superior Street. -- Committee 2 (Planning and economic development)
- \* 05-0912-09 Clerk submitting application to the Minnesota gambling control board for exemption from lawful gambling license from Duluth Art Institute on November 6, 2005 (raffle). -- Received

\* 05-0912-10 Community development division manager submitting 2006 CDBG funding requests. -- Received

\* 05-0912-11 Treasurer submitting annual report of all gifts received by the city for \$5,000 or less during the period of August 1, 2004, through July 31, 2005, pursuant to Resolution 97-0954. -- Received

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### REPORTS OF BOARDS AND COMMISSIONS

\* 05-0912-12 Board of zoning appeals minutes of: (a) July 12; (b) 26, 2005, meetings. -- Received (EMAILED)

\* 05-0912-13 Building appeal board minutes of July 13, 2005, meeting. -- Received (EMAILED)

\* 05-0912-14 Duluth airport authority: (a) Minutes of: (1) July 19; (2) August 2, 2005, meetings; (b) Unaudited balance sheet for month ended June 30, 2005. -- Received (EMAILED)

\* 05-0912-15 Duluth state convention center administrative board minutes of July 26, 2005, meeting. -- Received (EMAILED)

\* 05-0912-16 Duluth transit authority income statement for month of April, 2005. -- Received (EMAILED)

\* 05-0912-17 Environmental advisory council minutes of: (a) April 6; (b) May 4; (c) June 1; (d) July 6, 2005, meetings. -- Received (EMAILED)

\* 05-0912-18 Heritage preservation commission minutes of: (a) March 22; (b) April 26; (c) May 24; (d) June 28, 2005, meetings. -- Received (EMAILED)

\* 05-0912-19 Parking commission minutes of July 12, 2005, meeting. -- Received (EMAILED)

\* 05-0912-20 Spirit Mountain recreation area authority minutes of: (a) November 8; (b) December 13, 2004; (c) January 10; (d) February 7; (e) March 14; (f) April 20; (g) May 16; (h) June 16, 2005, meetings. -- Received (EMAILED)

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\* Listed only, not copied.

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### REPORTS OF COUNCIL COMMITTEES

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### REPORTS OF COUNCIL OPEN ISSUES

- Comprehensive plan (5/28/2002)
- Planned unit development (5/28/2002)
- Canal Park parking ramp (11/21/2002)
- Bayfront master plan (12/16/2002)
- ISD 709 (7/10/2003)
- Retiree benefits (4/12/2004)
- Air National Guard base (7/21/2005)
- Kapsner issues (8/22/2005)

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### OPPORTUNITY FOR CITIZENS TO BE HEARD

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## MOTIONS AND RESOLUTIONS

### CONSENT AGENDA

All matters listed under the consent agenda are considered routine and/or noncontroversial and will be enacted by one unanimous motion. If a councilor requests, or a citizen wishes to speak on an item on the consent agenda, it will be removed and handled separately.

#### COMMITTEE 1

##### BY COUNCILOR STAUBER

##### (FINANCE)

05-0603R - RESOLUTION ESTABLISHING THE DATE FOR A PUBLIC HEARING AT WHICH THE DULUTH CITY COUNCIL WILL ADOPT ITS FINAL BUDGET AND TAX LEVY FOR 2006.

05-0606R - RESOLUTION PROPOSING THE SUM TO BE RAISED BY TAXATION FOR THE SPECIAL TAXING DISTRICT, DULUTH TRANSIT AUTHORITY, FOR THE YEAR 2006.

##### BY COUNCILOR STEWART

##### (PURCHASING & LICENSING)

05-0552R - RESOLUTION APPROVING THE TRANSFER OF THE OFF SALE INTOXICATING LIQUOR LICENSE FROM THOMAS GEORGE (GEORGE'S LIQUOR), 1340 ARROWHEAD ROAD, TO GEORGE'S LIQUOR, INC. (GEORGE'S LIQUOR), SAME ADDRESS.

05-0564R - RESOLUTION APPROVING THE EXEMPTION OF A RAFFLE LICENSE AND WAIVING THE 60 DAY WAITING PERIOD FOR MUSKIES, INC. - LAKE SUPERIOR CHAPTER AND DULUTH DUCKS UNLIMITED.

**(REPLACEMENT)**

05-0594R - RESOLUTION AUTHORIZING A CONSULTANT AGREEMENT WITH SJA ARCHITECTS FOR PROVIDING CERTAIN ARCHITECTURAL AND ENGINEERING SERVICES TO THE CITY OF DULUTH IN CONNECTION WITH THE POLICE STATION ADDITION AT CITY CENTER WEST IN AN AMOUNT NOT TO EXCEED \$97,940.

05-0613R - RESOLUTION AWARDING CONTRACT TO ZIEGLER, INC., FOR GRADER BLADES IN ACCORDANCE WITH SPECIFICATIONS ON ITS LOW SPECIFICATION BID FOR A TOTAL OF \$35,299.43.

05-0614R - RESOLUTION APPROVING THE ISSUANCE OF A LAWFUL GAMBLING PREMISE PERMIT TO DULUTH SOFTBALL PLAYERS ASSOCIATION, LESTER PARK HOCKEY ASSOCIATION, MULTIPLE SCLEROSIS SOCIETY, AMERICAN RED CROSS, NORTHLAND CHAPTER AND DULUTH CURLING CLUB.

**(REPLACEMENT)**

05-0615R - RESOLUTION AUTHORIZING THE EXECUTION OF ENGAGEMENT LETTER WITH MERCER TO PROVIDE A MEDICAL CLAIM AUDIT OF BLUE CROSS AND BLUE SHIELD OF MINNESOTA AS PART OF A CLAIM AUDIT COALITION.

**NEW** 05-0629R - RESOLUTION ISSUING A TEMPORARY ON SALE 3.2 PERCENT MALT LIQUOR LICENSE TO LAKESIDE/LESTER PARK BUSINESS ASSOCIATION (LESTER RIVER FESTIVAL), LESTER PARK.

##### BY COUNCILOR JOHNSON

##### (PERSONNEL)

05-0610R - RESOLUTION CONFIRMING THE APPOINTMENTS OF JEAN MATTSON AND BOB TROOLIN TO THE DEFERRED COMPENSATION PLAN COMMISSION, REPLACING JAMES ANDERSON AND JEAN MATTSON.

## **COMMITTEE 2**

### **BY COUNCILOR ATKINS (INTERGOVERNMENTAL RELATIONS)**

05-0588R - RESOLUTION ENTERING INTO AN AGREEMENT ACCEPTING \$218,907 FROM SENIOR SERVICE AMERICA, INC., TO OPERATE THE SENIOR AIDES PROGRAM FROM JULY 1, 2005, THROUGH JUNE 30, 2006.

### **BY PRESIDENT NESS (COMMITTEE OF THE WHOLE)**

05-0592R - RESOLUTION CALLING A PUBLIC HEARING ON A PROPOSED AMENDMENT TO SECTIONS 2, 3, 5, 7, 18, 19, 21, 25, 36 AND 60(A) OF THE CITY CHARTER.

05-0611R - RESOLUTION APPROVING CONTRACT WITH VAN IWAARDEN ASSOCIATES FOR ACTUARIAL SERVICES, NOT TO EXCEED \$15,500.

## **COMMITTEE 3**

### **BY COUNCILOR STOVER (PUBLIC WORKS & UTILITIES)**

05-0586R - RESOLUTION OF INTENT TO CONSTRUCT A WATER MAIN WITHIN OSAGE AVENUE FROM PAGE STREET TO 410 FEET NORTH OF THE CENTER LINE OF PAGE STREET (CITY JOB NO. 0527WA).

05-0593R - RESOLUTION ACCEPTING A GRANT FROM THE MINNESOTA STATE TRANSPORTATION FUND FOR THE REHABILITATION OF BRIDGE NO. L6122 OVER CHESTER CREEK ON SUPERIOR STREET IN THE AMOUNT OF \$274,405.

05-0596R - RESOLUTION AWARDED CONTRACT TO RICE LAKE CONSTRUCTION GROUP FOR CONSTRUCTION OF LIFT STATION #1 AND STORAGE FACILITY IN THE AMOUNT OF \$1,839,000.

05-0609R - RESOLUTION ACCEPTING DONATION OF A RIGHT-OF-WAY AND UTILITY EASEMENT FROM LYNNE SAPP, JON AND KATHLEEN RANDA, ERIC AND NICHOLE LANGE AND BENJAMIN AND JANELLE STARSTEAD.

05-0612R - RESOLUTION AWARDED CONTRACT TO NORTHLAND CONSTRUCTORS OF DULUTH, LLC, FOR CONSTRUCTION OF HELBERG DRIVE FROM GARFIELD AVENUE TO PORT TERMINAL DRIVE IN THE AMOUNT OF \$2,945,496.49.

05-0619R - RESOLUTION AWARDED CONTRACT TO APEX MECHANICAL FOR CONSTRUCTION OF OREGON CREEK EMERGENCY STORM REPAIR IN THE AMOUNT OF \$180,094.

05-0620R - RESOLUTION OF INTENT TO CONSTRUCT A WATER MAIN IN LAWN STREET FROM PORTAL AVENUE TO APPROXIMATELY 383 FEET EAST OF THE CENTER LINE OF PORTAL AVENUE (CITY JOB NO. 0529WA).

05-0621R - RESOLUTION ORDERING THE CONSTRUCTION OF A WATER MAIN WITHIN OSAGE AVENUE FROM PAGE STREET TO 410 FEET NORTH OF THE CENTER LINE OF PAGE STREET PURSUANT TO A WAIVER AGREEMENT (CITY PROJECT NO. 0527WA).

**COMMITTEE 3**

**BY COUNCILOR LITTLE**

**(PUBLIC SAFETY)**

05-0595R - RESOLUTION AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO AN AGREEMENT WITH THE ST. LOUIS COUNTY COMMUNICATIONS DEPARTMENT AND PROVIDING FOR INFORMATION MANAGEMENT IN ACCORDANCE WITH NATIONAL CRIME INFORMATION CENTER RULES AND REGULATIONS.

05-0602R - RESOLUTION AUTHORIZING APPROPRIATE CITY OFFICIALS TO ACCEPT A GRANT FROM THE MINNESOTA DEPARTMENT OF PUBLIC SAFETY IN THE AMOUNT OF \$200,000 TO FUND SALARIES, EQUIPMENT AND TRAINING NEEDS FOR THREE PROPERTY CRIME INVESTIGATORS AND TO EXECUTE ANY DOCUMENTS REQUIRED TO BE EXECUTED TO ACCEPT SUCH GRANT.

05-0618R - RESOLUTION TO ESTABLISH NO PARKING ON VARIOUS STREETS.

**NEW** 05-0622R - RESOLUTION AUTHORIZING A CONTRACT FOR LEGAL SERVICES NOT TO EXCEED \$10,000.

**BY COUNCILOR REINERT (RECREATION, LIBRARIES & AUTHORITIES)**

05-0591R - RESOLUTION CALLING A PUBLIC HEARING ON A PROPOSED AMENDMENT TO SECTION 102 OF THE CITY CHARTER.

05-0601R - RESOLUTION APPROVING A GRANT AGREEMENT FROM THE STATE OF MINNESOTA DEPARTMENT OF NATURAL RESOURCES COASTAL PROGRAM FOR \$58,179 FOR DESIGN OF THE LIVING WATER GARDEN AT BAYFRONT PARK.

**END OF CONSENT AGENDA**

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The following entitled resolutions are also for consideration at this meeting:

**COMMITTEE 1**

**BY COUNCILOR STAUBER**

**(FINANCE)**

05-0604R - RESOLUTION SETTING A PROPOSED BUDGET FOR THE FISCAL YEAR 2006.

05-0605R - RESOLUTION PROPOSING THE SUM TO BE RAISED BY TAXATION FOR GENERAL PURPOSES FOR THE YEAR 2006.

05-0607R - RESOLUTION PROPOSING THE SUM TO BE RAISED BY TAXATION FOR THE SPECIAL TAXING DISTRICT, SEAWAY PORT AUTHORITY, FOR THE YEAR 2006.

05-0608R - RESOLUTION PROPOSING THE SUM TO BE RAISED BY TAXATION FOR THE SPECIAL TAXING DISTRICT, HOUSING AND REDEVELOPMENT AUTHORITY, FOR THE YEAR 2006.

**COMMITTEE 2**

**BY COUNCILOR GILBERT (PLANNING & ECONOMIC DEVELOPMENT)**

05-0582R - RESOLUTION AFFIRMING THE DECISION OF THE BOARD OF ZONING APPEALS TO DENY A VARIANCE TO REDUCE THE MINIMUM FRONT YARD SETBACK FROM 25 FEET TO 20 FEET AND TO EXCEED THE ALLOWANCE FOR PROJECTIONS INTO A FRONT YARD WITH A STAIRWAY AT FIVE FEET FROM THE PROPERTY LINE FOR THE CONSTRUCTION OF A TWO FAMILY DWELLING ON PROPERTY LOCATED AT 3129 MINNESOTA AVENUE (MARICK DEVELOPMENT, INC., BY DANIEL MADDY).

05-0583R - RESOLUTION REVERSING THE DECISION OF THE BOARD OF ZONING APPEALS TO DENY A VARIANCE TO REDUCE THE MINIMUM FRONT YARD SETBACK FROM 25 FEET TO 20 FEET AND TO EXCEED THE ALLOWANCE FOR PROJECTIONS INTO A FRONT YARD WITH A STAIRWAY AT FIVE FEET FROM THE PROPERTY LINE FOR THE CONSTRUCTION OF A TWO FAMILY DWELLING ON PROPERTY LOCATED AT 3129 MINNESOTA AVENUE (MARICK DEVELOPMENT, INC., BY DANIEL MADDY).

**COMMITTEE 3**

**BY COUNCILOR STOVER (PUBLIC WORKS & UTILITIES)**

05-0590R - RESOLUTION APPROVING SETTLEMENT OF CLAIM OF GORDON RAMSAY IN THE AMOUNT OF \$12,473.21.

05-0597R - RESOLUTION AUTHORIZING REQUEST TO DISCONTINUE OPERATION OF FOG HORN.

**BY COUNCILOR LITTLE (PUBLIC SAFETY)**

05-0617R - RESOLUTION AMENDING RESOLUTION 89-0885 DESIGNATING PORTIONS OF CERTAIN STREETS IN THE VICINITY OF THE UNIVERSITY OF MINNESOTA-DULUTH AS RESIDENT PERMIT PARKING ZONES.

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**INTRODUCTION AND CONSIDERATION OF ORDINANCES**

The following entitled ordinances are to be read for the first time:

**COMMITTEE 2**

**BY PRESIDENT NESS (COMMITTEE OF THE WHOLE)**

05-040-O - AN ORDINANCE AMENDING SECTIONS 2, 3, 5, 7, 18, 19, 21, 25, 36 AND 60(A) OF THE CITY CHARTER TO CHANGE THE TITLE OF THE ADMINISTRATIVE ASSISTANT TO CHIEF ADMINISTRATIVE OFFICER AND CHANGE THE RESIDENCY TO BE CONSISTENT WITH STATE LAW.

**COMMITTEE 3**

**BY COUNCILOR REINERT (RECREATION, LIBRARIES & AUTHORITIES)**

05-039-O - AN ORDINANCE AMENDING THE CITY CHARTER TO COMPLY WITH STATE LAW PERTAINING TO ALCOHOLIC BEVERAGES.

The following entitled ordinances are to be read for the second time:

**COMMITTEE 1**

**BY COUNCILOR STEWART (PURCHASING & LICENSING)**

05-038-O - AN ORDINANCE REGULATING ALIENATION OF REAL PROPERTY BY THE CITY.

**COMMITTEE 2**

**BY COUNCILOR GILBERT (PLANNING & ECONOMIC DEVELOPMENT)**

05-037-O - AN ORDINANCE AMENDING CHAPTER 50 OF THE DULUTH CITY CODE, 1959, AS AMENDED, ZONING DISTRICT MAPS NO. 11, 13 AND 14, AS CONTAINED IN THE APPENDIX TO CHAPTER 50, TO PROVIDE FOR THE RECLASSIFICATION FROM S,-SUBURBAN, TO R-1-A, SINGLE FAMILY RESIDENTIAL, PROPERTY LOCATED ABOVE WEST SKYLINE PARKWAY, SOUTH OF WEST ARBUTUS DRIVE AND APPROXIMATELY 1,600 FEET EAST OF US HIGHWAY 2 (SUGARLOAF). **(REPLACEMENT)**

**BY COUNCILOR ATKINS (INTERGOVERNMENTAL RELATIONS)**

05-041-O - AN ORDINANCE AMENDING SECTION 5-21 OF THE DULUTH CITY CODE, 1959, AS AMENDED; LICENSING OF ADULT BOOK STORES.

**COMMITTEE 3**

**BY COUNCILOR STOVER (PUBLIC WORKS & UTILITIES)**

05-036-O - AN ORDINANCE AUTHORIZING CONVEYANCE OF CERTAIN PROPERTY IN CENTRAL HILLSIDE TO THE WOMEN'S TRANSITIONAL HOUSING COALITION, INC.

**BY COUNCILOR REINERT (RECREATION, LIBRARIES & AUTHORITIES)**

05-028-O - AN ORDINANCE PERTAINING TO THE PARKS AND RECREATION COMMISSION; AMENDING SECTION 2-44 OF THE DULUTH CITY CODE, 1959, AS AMENDED.

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**COUNCILOR QUESTIONS AND COMMENTS**  
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